

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Service Rules for the 698-746, 747-762)	WT Docket No. 06-150
and 777-792 MHz Bands)	
)	
Revision of the Commission's Rules to)	CC Docket No. 94-102
Ensure)	
Compatibility with Enhanced 911)	
Emergency)	
Calling Systems)	WT Docket No. 01-309
)	
Section 68.4(a) of the Commission's)	
Rules)	WT Docket No. 03-264
Governing Hearing Aid-Compatible)	
Telephones)	
)	
Biennial Regulatory Review –)	
Amendment of Parts 1, 22, 24, 27, and)	WT Docket No. 06-169
90 to Streamline and Harmonize)	
Various Rules Affecting Wireless Radio)	
Services)	
)	
Former Nextel)	PS Docket No. 06-229
Communications, Inc. Upper)	
700 MHz Guard Band Licenses)	
and Revisions to Part 27 of the)	
Commission's Rules)	WT Docket No. 96-86
)	
Implementing a Nationwide,)	
Broadband, Interoperable)	
Public Safety Network in the)	
700 MHz Band)	
)	
Development of Operational, Technical		
and Spectrum Requirements for		
Meeting Federal, State and Local Public		
Safety Communications Requirements		
Through the Year 2010		

**COMMENTS OF THE
TEXAS STATEWIDE INTEROPERABILITY EXECUTIVE COMMITTEE**

The **Texas Statewide Interoperability Executive Committee (TSIEC)** is a oversight and planning group with a diverse membership, consisting of representatives from State of Texas agencies, bureaus and divisions, six 800 MHz and six 700 MHz FCC Regional Planning Committees, federal, tribal, regional and local public safety radio users in all disciplines.

The TSIEC respectfully submits the following reply comments in response to the Commission's *Further Notice of Proposed Rulemaking* in the above-captioned proceedings.

After reviewing the above captioned proceedings it has become apparent to the TSIEC representatives that the *Further Notice of Proposed Rulemaking* for the 700 MHz frequency band will unilaterally dictate how modern high speed data communications must be implemented by state, tribal, regional and local first responder entities. Control and choice regarding high speed wireless data communications would be taken from state, tribal, regional and local agencies, allowing the Federal Government to dictate the type of data communications systems that can be implemented.

Texas is the second most populated state in the country and is growing rapidly. Even so, vast areas of the state are very sparsely populated. Under the proposed

rule making, the build-out of a national high speed mobile data communications system would be delayed for several years or not even implemented in the rural and less populated areas of this state. Of the 268,601 square miles in Texas, over 149,000 square miles, or 55% of the State of Texas has population densities with less than 10 people per square mile. Yet, this sparsely populated area contains over 500,000 people. This same area is roughly equivalent to the combined area of Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York and Pennsylvania. Given a rational business model, it is not likely that this portion of Texas would be covered by a national network, or if it is eventually covered, service to those areas would be significantly delayed.

The Rio Grande River meanders over 1,200 miles along the international border between the United States and Mexico. Well over 90% of Mexican border is rural, with population densities of less than 10 people per square mile. The same is true for a significant portion of the coastal areas adjacent to the Gulf of Mexico.

NAFTA, crime, human trafficking, illegal drugs and illegal immigration are only a few of the issues that have driven the State of Texas to try and protect its' borders in spite of limited funding and resources. Current State of Texas border initiatives include a significant wireless data communications component for first responders, intelligence gathering agencies and federal participants. Under the Commissions' proposed rulemaking, the rural areas in Texas, especially along the Mexican border,

would be required to delay data system implementation until service could be provided by others. Under proposed guidelines, it is doubtful if any of these areas would ever have a national high speed wireless data communications system for first responders. Without ongoing State and/or Federal assistance and FCC regulatory consideration, these economically disadvantaged rural jurisdictions will never be able to implement or afford high speed wireless data communications. Even though they bear the brunt of illegal activities and act as a barrier for potential terrorist entry into this country they will be relegated to a second class status for the rapid exchange of information and data. These areas have dominant and immediate needs and the State of Texas is moving to respond to these needs.

Many disparities exist among first responders within Texas, each having different communications needs, requirements and objectives. Technology is evolving so rapidly, it is not advantageous to restrict or limit Texas users to a single federally mandated solution for a high speed wireless data communications network. Additionally, local control and a choice of options must remain a vital component in the selection of a high speed wireless data communications solution.

By adopting this proposed rule, the Commission would, by default, mandate a high speed wireless data communications provider and establish a standard, without assuring that public safety needs can be met and consequently abandon those jurisdictions that serve rural areas.

The TSIEC requests that the Commission consider adopting a set of open non-proprietary standards for use by public safety high speed data communications systems. This same set of standards could be applied to both the auctioned and public safety spectrum. The Commission has previously established standards for other technologies; e.g., High Definition Television, and so should the Commission adopt a set of open non-proprietary standards for 700 MHz high speed wireless data technology. This would allow the marketplace and manufacturers to provide innovative ideas and solutions, while adhering to uniform and open standards. Public safety users would have their respective needs met and benefit by being provided with options, local control and interoperability.

While it is obvious that having a mandated single nationwide data network would enhance interoperability, a more viable and advantageous solution would be for the Commission to adopt a suite of open standards for public safety high speed wireless data communication networks at 700 MHz.

With so many unknown consequences and issues (specifically: implementation timing for the rural areas of Texas along the Mexican border, overall costs to the user groups, network support and reliability that is required for public safety agencies, loss of local control, priority for access and traffic in emergency situations, etc), the TSIEC firmly believes that allowing jurisdictionally owned wideband and

broadband wireless data networks that conform to FCC adopted open standards is of the utmost importance for the State of Texas.

By allowing jurisdictionally owned, non-proprietary open standards based public safety high speed wireless data communications networks, the Commission will provide the most tangible benefits to our users today and for the foreseeable future.

Respectfully submitted,

Robert E. Pletcher, Chairman

Texas Statewide Interoperability Executive Committee

May 15, 2007